

INTERNET
FORM NLRB-501
(7-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
18-CA-133382Date Filed
July 24, 2014

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Nevada Corporation d/b/a McDonalds @ 1220 N. 35th St. and McDonalds USA LLC, as a single or joint employer

b. Tel. No. 414 358-8474

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

5001 West Mill Road
Milwaukee, WI 53218

e. Employer Representative

(b) (6), (b) (7)(C)

g. e-Mail

h. Number of workers employed
100i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurantj. Identify principal product or service
fast food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about July 23, the employer by its agent (b) (6), (b) (7)(C) interfered with, restrained, and coerced its employees from engaging in protected concerted union activities by posting an announcement scheduling an extraordinary mandatory meeting for all employees on Saturday, July 26 at 8:00 A.M., and threatening to terminate any employee who failed to attend said meeting. (b) (6), (b) (7)(C) scheduled the meeting only after learning that approximately 10 employees -- who had already obtained the day off on the work schedule -- intended on Saturday to attend the 2nd Annual National Workers Convention for fast food and retail employees in Chicago.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Milwaukee Workers Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

1862 W. Fond du Lac Ave.
Milwaukee, WI 53218

4b. Tel. No. 414 935-2422

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) N/A

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Richard Saks

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No. 414 271-8650

Office, if any, Cell No.
414 331-4405

Fax No. 414 271-8442

e-Mail
rsaks@hq-law.com

Address 222 E. Erie St., Ste. 210, Milwaukee, WI 53201-0442

July 24, 2014
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

HAWKS QUINDEL, S.C.

222 E. Erie St., #210
Post Office Box 442
Milwaukee, Wisconsin 53201-0442

TELEPHONE: (414) 271-8650

FAX: (414) 271-8442

FAX COVER LETTER

Please deliver the following page(s)

TO: NLRB

FAX # 414-297-3880

Attention: Benjamin Mandelman

FROM: Attorney Richard Saks / RS

RE: ULP Charge – (Nevada Corp. d/b/a/ McDonalds @ 1220 N. 35th St.)

DATE: 07/24/14

RECEIVED
NLRB2014 JUL 24 AM 11:00
MILWAUKEE, WI
REGION 30

TOTAL NUMBER OF PAGES INCLUDING COVER LETTER:

A 3

TRANSMITTED BY: R. Saks

By Facsimile Only.

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEM RECEIVING THIS TRANSMISSION, PLEASE CALL AS SOON AS POSSIBLE.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT NAMED ABOVE. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

ATTORNEYS AT LAW

HAWKS QUINDEL, S.C.222 East Erie Street, Suite 210
P.O. Box 442
Milwaukee, WI 53201-0442

MILWAUKEE OFFICE

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Timothy E. Hawks
Summer H. Marshid
Barbara Zack Quindel
Richard Saks
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Kashoua Yang

OF COUNSEL TO FIRM

Walter F. Kelly
Robert J. Lerner
Howard N. Myers
Vicki Schaul
Jeffrey P. Sweetland

July 24, 2014

VIA FAX ONLY (414) 297-3880Benjamin Mandelman, Milwaukee Officer in Charge
National Labor Relations Board, Subregional Office
310 W. Wisconsin Ave. – Ste. #450W
Milwaukee, WI 53203-2281RE: Filing of Charge*Nevada Corp. d/b/a McDonalds @ 1220 N. 35th St. & McDonalds USA as a
single or joint employer (Case No. TBA)
(Interference with Section 7 Rights)*

Dear Mr. Mandelman:

Please find enclosed for filing the Charge of the Milwaukee Workers Organizing
Committee. The union and I stand ready to assist the Board in its investigation of the matter.
Thank you.

Sincerely,



Richard Saks

RS:me

Encls.

Cc: WJN

RECEIVED
MLRB
2014 JUL 24 AM 11:00
MILWAUKEE, WI
REGION 30



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 W Wisconsin Ave Ste 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlrb.gov
Telephone: (414)297-3861
Fax: (414)297-3880



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July 24, 2014

(b) (6), (b) (7)(C)

NEVADA CORPORATION D/B/A MCDONALDS
@ 1220 N. 35TH ST. AND MCDONALDS USA LLC,
AS A SINGLE OR JOINT EMPLOYER
5001 WEST MILL ROAD
MILWAUKEE, WI 53218

Re: Nevada Corporation d/b/a McDonalds @
1220 N. 35th St. and McDonalds USA LLC,
as a single or joint employer
Case 18-CA-133382

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JESSICA M. GIBSON whose telephone number is (414)297-3168. If this Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)297-3900.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

July 24, 2014

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

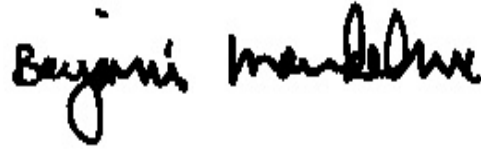
Nevada Corporation d/b/a McDonalds @
1220 N. 35th St. and McDonalds USA LLC,
as a single or joint employer
Case 18-CA-133382

- 3 -

July 24, 2014

Very truly yours,

MARLIN O. OSTHUS
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, somewhat stylized script.

By:

BENJAMIN MANDELMAN
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Nevada Corporation d/b/a McDonalds @ 1220 N. 35th St. and McDonalds USA LLC, as a single or joint employer

CASE NUMBER

18-CA-133382

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**NEVADA CORPORATION D/B/A MCDONALDS
@ 1220 N. 35TH ST. AND MCDONALDS USA
LLC, AS A SINGLE OR JOINT EMPLOYER**

Charged Party

and

**MILWAUKEE WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 18-CA-133382

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 24, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

NEVADA CORPORATION D/B/A MCDONALDS @ 1220 N.
35TH ST. AND MCDONALDS USA LLC, AS A SINGLE OR
JOINT EMPLOYER
5001 WEST MILL ROAD
MILWAUKEE, WI 53218

July 24, 2014

Date

William J. Calvert, Designated Agent of
NLRB

Name

/s/ William J. Calvert

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 W Wisconsin Ave Ste 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlr.gov
Telephone: (414)297-3861
Fax: (414)297-3880



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July 24, 2014

MILWAUKEE WORKERS ORGANIZING COMMITTEE
1862 WEST FOND DU LAC AVENUE
MILWAUKEE, WI 53205

Re: Nevada Corporation d/b/a McDonalds @
1220 N. 35th St. and McDonalds USA LLC,
as a single or joint employer
Case 18-CA-133382

Dear Sir or Madam:

The charge that you filed in this case on July 24, 2014 has been docketed as case number 18-CA-133382. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JESSICA M. GIBSON whose telephone number is (414)297-3168. If this Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)297-3900.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

July 24, 2014

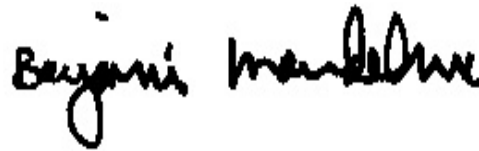
Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARLIN O. OSTHUS
Regional Director



By: BENJAMIN MANDELMAN
Officer in Charge

cc: RICHARD SAKS, ESQ.
HAWKS QUINDEL, S.C.
222 E ERIE ST STE 210
MILWAUKEE, WI 53202-6000

From: Gibson, Jessica M
To: ["Richard Saks"](#)
Subject: RE: New McDonalds charge
Date: Tuesday, July 29, 2014 4:13:00 PM
Attachments: [image001.png](#)

Thanks Richard. Please make sure (b) (6), (b) (7)(C) brings with (b) (6), (b) (7)(C) all relevant documents.

From: Richard Saks [mailto:rsaks@hq-law.com]
Sent: Tuesday, July 29, 2014 3:43 PM
To: Gibson, Jessica M
Subject: RE: New McDonalds charge

Jessica

(b) (6), (b) (7)(C) will be there (b) (6), (b) (7)(C)

Rich Saks

Richard Saks

Attorney



222 E. Erie Street • Suite 210 • P.O. Box 442 • Milwaukee, WI 53201
Phone: (414) 271-8650 • Fax: (414) 271-8442 • www.hq-law.com •
<http://www.hq-law.com/attorneys/milwaukee-attorneys/richard-saks/>

PLEASE NOTE: If you receive this email in error, use or disclosure is prohibited. Please notify me of the error by email and delete this email. Thank you.

From: Gibson, Jessica M [mailto:Jessica.Gibson@nlrb.gov]
Sent: Tuesday, July 29, 2014 1:04 PM
To: Richard Saks
Subject: RE: New McDonalds charge
Importance: High

Richard,

Any update on if (b) (6), (b) (7)(C) can come in on (b) (6), (b) (7)(C)? Please be advised that if (b) (6) does not come in (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) affidavit, the charge could be dismissed for lack of cooperation.

Thank you.

From: Richard Saks [<mailto:rsaks@hq-law.com>]
Sent: Monday, July 28, 2014 3:01 PM
To: Gibson, Jessica M
Subject: RE: New McDonalds charge

The main person who will provide testimony will be (b) (6), (b) (7)(C). We are trying to ascertain (b) (6), (b) (7)(C) availability and I will let you know ASAP. FYI, I will be out of the office starting this Thursday, July 31 until Tuesday Aug. 12. If you have any questions you may contact Barbara Quinel or Michele Sumara in my office. Thanks.

From: Gibson, Jessica M [<mailto:Jessica.Gibson@nlrb.gov>]
Sent: Monday, July 28, 2014 11:00 AM
To: Richard Saks
Subject: New McDonalds charge

Richard,

Who will be providing testimony for the new McDonalds charge about the mandatory Saturday meeting?

Can those witnesses come either (b) (6), (b) (7)(C)

Thank you.

Jessica M. Gibson
Field Examiner
National Labor Relations Board Sub-Region 30
310 W. Wisconsin Ave. Ste. 450W
Milwaukee, WI 53203
(414) 297-3168

From: Gibson, Jessica M
To: [Boerschinger, Eric](#); [O'Neil, Anita C.](#)
Subject: Update on McDonalds
Date: Wednesday, August 06, 2014 4:03:00 PM

I just spoke to Barbara Quindel- she said that they have found out that the scheduled meeting on that Saturday did not happen after all. She also said that Wisconsin Jobs Now has talked to a (b) (6), (b) (6), (b) (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) Barbara said this (b) (6), (b) is unwilling to provide an affidavit. She said they are trying to find other witnesses who could provide additional testimony.

(b) (5)
She just asked to be given to Friday morning to try to get more evidence. I said that was fine.

(b) (6), (b) (7)(C)
[Redacted]
[Redacted]

Jessica M. Gibson
Field Examiner
National Labor Relations Board Sub-Region 30
310 W. Wisconsin Ave. Ste. 450W
Milwaukee, WI 53203
(414) 297-3168

From: [Wendy Stott](#)
To: [Gibson, Jessica M](#)
Subject: Re: Nevada Corporation d/b/a McDonalds 18-CA-133382
Date: (b) (6), (b) (7)(C)
Attachments: [image001.png](#)

(b) (6), (b) (7)(C) will get off work at (b) (6), (b) (7)(C). We could bring (b) (6), (b) (7)(C) straight to you and have (b) (6), (b) (7)(C) there by (b) (6), (b) (7)(C) if you are still available for one more affidavit.

On (b) (6), (b) (7)(C) Gibson, Jessica M <Jessica.Gibson@nlrb.gov> wrote:

That's fine

From: Wendy Stott [mailto:wendy.stott@wisconsinjobsnow.org]
Sent: (b) (6), (b) (7)(C)
To: Gibson, Jessica M

Subject: Re: Nevada Corporation d/b/a McDonalds 18-CA-133382

(b) (6), (b) (7)(C) is available for an interview at (b) (6), (b) (7)(C). Does that still work?

On (b) (6), (b) (7)(C) "Wendy Stott" <wendy.stott@wisconsinjobsnow.org> wrote:

Hi jessica, (b) (6), (b) (7)(C) is on (b) (6), (b) (7)(C) way. (b) (6), (b) (7)(C) have to work. We are trying to get (b) (6), (b) (7)(C) in at (b) (6), (b) (7)(C). I'll send u updates.

On Aug 8, 2014 11:41 AM, "Wendy Stott" <wendy.stott@wisconsinjobsnow.org> wrote:

Yes we will ask them for those times.

On Fri, Aug 8, 2014 at 11:36 AM, Gibson, Jessica M <Jessica.Gibson@nlrb.gov> wrote:

The employee affidavits should be short. Can we schedule them on the (b) (6), (b) (7)(C)? So have one at (b) (6), (b) (7)(C) and one at (b) (6), (b) (7)(C)

From: Wendy Stott [mailto:wendy.stott@wisconsinjobsnow.org]
Sent: Friday, August 08, 2014 11:35 AM
To: Gibson, Jessica M

Cc: Barbara Quindel; Rich Saks

Subject: Re: Nevada Corporation d/b/a McDonalds 18-CA-133382

(b) (6), (b) (7)(C) is confirmed for (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) can do (b) (6), (b) (7)(C)

We also have another worker who can testify (b) (6), (b) (7)(C) was threatened but went to the convention anyway, (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C).

And a worker who did not go the Convention and will testify that there was no meeting. (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C)

We are trying to confirm both of them for (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) Does that work?

On Fri, Aug 8, 2014 at 8:06 AM, Gibson, Jessica M <Jessica.Gibson@nrlb.gov> wrote:

(b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) is fine.

Can (b) (6), (b) (7)(C) come around (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C)

From: Wendy Stott [mailto:wendy.stott@wisconsinjobsnow.org]

Sent: Thursday, August 07, 2014 6:16 PM

To: Gibson, Jessica M

Cc: Barbara Quindel; Rich Saks

Subject: RE: Nevada Corporation d/b/a McDonalds 18-CA-133382

Can we get (b) (6), (b) (7)(C) in to testify at (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C)

We also have another worker who was told (b) (6), (b) (7)(C) would be fired for going but went

anyway. (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C). Do you want to talk to any of the other workers?

On Aug 7, 2014 1:22 PM, "Gibson, Jessica M" <Jessica.Gibson@nlrb.gov> wrote:

Barbara,

I checked with Regional management. There was apparently some miscommunication in the office about whether or not the skip counsel rules changed regarding (b) (6), (b) (7)(C). After checking, we found that the rules for (b) (6), (b) (7)(C) have NOT changed, regardless of whether or not the person was an actor. Therefore, I should have no problem taking an affidavit from (b) (6), (b) (7)(C) regardless of whether (b) (6), (b) (7)(C) wants to file a charge of (b) (6), (b) (7)(C) own or not.

Please let me know if (b) (6), (b) (7)(C) is available (b) (6), (b) (7)(C).

Thanks!

From: Barbara Quindel [mailto:bquindel@hq-law.com]
Sent: Thursday, August 07, 2014 12:46 PM
To: Gibson, Jessica M
Cc: Richard Saks; wendy.stott@wisconsinjobsnow.org
Subject: RE: Nevada Corporation d/b/a McDonalds 18-CA-133382

It appears (b) (6), (b) (7)(C) was disciplined (written up) on (b) (6), (b) (7)(C) for not writing up the workers who went to the Convention, then terminated the (b) (6), (b) (7)(C) after another write up unrelated. (b) (6), (b) (7)(C) did not tell employees they had to come to the meeting or would be disciplined. (b) (6), (b) (7)(C) does say there was no meeting.

Does this impact on the skip-counsel rules?

Barbara

Barbara Zack Quindel

Attorney



222 E. Erie Street • Suite 210 • P.O. Box 442 • Milwaukee, WI 53201

Phone: [\(414\) 271-8650](tel:(414)271-8650) • Fax: [\(414\) 271-8442](tel:(414)271-8442) • www.hq-law.com

PLEASE NOTE: If you receive this email in error, use or disclosure is prohibited. Please notify me of the error by email and delete this email. Thank you.

From: Gibson, Jessica M [<mailto:Jessica.Gibson@nrlrb.gov>]
Sent: Thursday, August 07, 2014 11:14 AM
To: Barbara Quindel
Cc: Richard Saks; wendy.stott@wisconsinjobsnow.org
Subject: FW: Nevada Corporation d/b/a McDonalds 18-CA-133382

Now that (b) (6), (b) (7)(C) is willing to cooperate, do you know if (b) (6), (b) (7)(C) is willing to file (b) (6), (b) (7)(C) own charge regarding (b) (6), (b) (7)(C) termination? (b) (6), (b) (7)(C) could allege (b) (6), (b) (7)(C) was fired for failing to commit an unfair labor practice. As the Charging Party, we would have absolutely no problem interviewing (b) (6), (b) (7)(C) from a skip-counsel standpoint. If (b) (6), (b) (7)(C) told any employees that they had to come to the mandatory meeting or face disciplinary action, then (b) (6), (b) (7)(C) could be an actor and the skip-counsel rules might apply. The easiest course of action for us to talk to (b) (6), (b) (7)(C) is for (b) (6), (b) (7)(C) to file (b) (6), (b) (7)(C) own individual charge.

Could you find out if (b) (6), (b) (7)(C) wants to proceed with doing that?

From: Barbara Quindel [<mailto:bquindel@hq-law.com>]
Sent: Thursday, August 07, 2014 9:53 AM
To: Gibson, Jessica M
Cc: Wendy Stott (wendy.stott@wisconsinjobsnow.org); Richard Saks
Subject: RE: Nevada Corporation d/b/a McDonalds 18-CA-133382

Jessica,

As I reported yesterday, we learned that (b) (6), (b) (7)(C) was fired for not writing up the workers who attended the Convention. (b) (6), (b) (7)(C) didn't write them up because (b) (6), (b) (7)(C) knew that the only reason the meeting was scheduled was because of the Convention and it was last minute that they tried to make everyone work. (b) (6), (b) (7)(C) also stated that the Employer never posted the info about the meeting, they only verbally told those people who were supposed to be off for the Convention that they had to come to work.

(b) (6), (b) (7)(C) is willing to provide an affidavit and I have copied Wendy Stott on this email who can work with you to arrange a time for (b) (6), (b) (7)(C) to meet with you.

Barbara

Barbara Zack Quindel

Attorney



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PLEASE NOTE: If you receive this email in error, use or disclosure is prohibited. Please notify me of the error by email and delete this email. Thank you.

From: Gibson, Jessica M [<mailto:Jessica.Gibson@nrlb.gov>]
Sent: Monday, August 04, 2014 2:01 PM
To: Barbara Quindel
Subject: Nevada Corporation d/b/a McDonalds 18-CA-133382

Barbara,

I am writing you regarding one of Richard's cases. Wisconsin Jobs Now (WJN) filed the charge in Case 18-CA-133382 with us alleging the Employer scheduled a mandatory meeting on a day when it knew employees would be attending a fast food rally in Chicago. WJN provided one witness who testified that (b) (6), (b) (7)(C) heard from

management about the meeting and was told (b) (6) could be suspended if (b) (6) didn't attend the mandatory meeting. This employee did not attend the mandatory meeting and was not disciplined in any way for doing so. Does WJN have any witnesses to present who 1) attended the mandatory meeting and/or 2) were disciplined for not attending the mandatory meeting?

As the evidence stands now, the case might be dismissed for insufficient evidence and/or non-effectuation since it does not appear any adverse action was taken against employees. Please let me know by **Thursday (August 7)** if WJN has any additional witnesses to present. If WJN does not have any additional witnesses to present, please let me know if WJN is interested in withdrawing the charge and if not, please provide us with an explanation as to why the charge should not be dismissed for insufficient evidence and/or non-effectuation.

If I do not receive a reply by Thursday, I will be forced to take the case to the Regional Director with the current evidence for a determination.

Thank you.

Jessica M. Gibson

Field Examiner

National Labor Relations Board Sub-Region 30

310 W. Wisconsin Ave. Ste. 450W

Milwaukee, WI 53203

[\(414\) 297-3168](tel:4142973168)

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Wendy Stott

Field Coordinator
Wisconsin Jobs Now

--

Wendy Stott

Field Coordinator
Wisconsin Jobs Now

--

Wendy Stott

Field Coordinator
Wisconsin Jobs Now

From: Gibson, Jessica M
To: [Dunham, Geoffrey](#)
Cc: [Boerschinger, Eric](#); [Courseault, Percy J. III](#); [Mandelman, Benjamin](#); [Osthus, Marlin O.](#)
Subject: RE: McDonald's Case 18-CA-133382
Date: Tuesday, August 19, 2014 3:37:00 PM
Importance: High

Geoffrey,

I'm following up regarding the email below. We would like to get this case disposed of as soon as possible, but are awaiting a response from you.

Thank you so much.

From: Gibson, Jessica M
Sent: Thursday, August 14, 2014 3:29 PM
To: Dunham, Geoffrey
Cc: Boerschinger, Eric; Courseault, Percy J. III; Mandelman, Benjamin; Osthus, Marlin O.
Subject: McDonald's Case 18-CA-133382

Geoffrey,

Here in Region 18, we currently have two cases related to McDonald's. (I am the Field Examiner assigned to both cases). The first case, Case 18-CA-133131, is still currently pending investigation. (b) (5) to this case and we will be in contact with you once a determination has been made on that case. In the second case, Case 18-CA-133382, the Acting Regional Director (b) (6), (b) (7)(C) The minute can be found here: [FIR.18-CA-133382.Agenda Outline and Minute 8-13-14.docx](#)

Do we have clearance to proceed with (b) (5) in Case 18-CA-133382?

Thank you.

Jessica M. Gibson
Field Examiner
National Labor Relations Board Sub-Region 30
310 W. Wisconsin Ave. Ste. 450W
Milwaukee, WI 53203
(414) 297-3168

All contact with parties was done through email. All of the emails have been uploaded into NxGen.

From: [Gibson, Jessica M](#)
To: [Gibson, Jessica M](#)
Subject: Call with Richard Saks
Date: Wednesday, September 3, 2014 10:39:00 AM

I called Richard Saks this morning and announced the decision in Case 18-CA-133382. (b) (5)
[REDACTED] He said he would get back to me
about how his client wants to dispose of the charge by Friday, September 5, 2014

Jessica M. Gibson
Field Examiner
National Labor Relations Board Sub-Region 30
310 W. Wisconsin Ave. Ste. 450W
Milwaukee, WI 53203
(414) 297-3168

From: [Gibson, Jessica M](#)
To: [Gibson, Jessica M](#)
Subject: Call from Richard Saks- Charging Party will withdraw charge in 18-CA-133382
Date: Wednesday, September 3, 2014 2:58:07 PM

Jessica M. Gibson
Field Examiner
National Labor Relations Board Sub-Region 30
310 W. Wisconsin Ave. Ste. 450W
Milwaukee, WI 53203
(414) 297-3168

ORAL WITHDRAWAL REQUEST

On **September 3, 2014**, Charging Party, through Richard Saks, Esq., made an oral request to withdraw the charge in **Nevada Corporation, Case 18-CA-133382** after being informed the Region intended to dismiss absent withdrawal.

Therefore, in accordance with OM Memorandum 95-9, this verbal withdrawal request is submitted for your approval.

Withdrawal Request Approved:

By: Brynn Mandel / acw
Officer in Charge

Dated Approved a/ka/
CLOSING DATE:

9/3/14

NX GEN QUESTIONS

IS THIS CASE ADJUSTED?? NO REMEDIES? NONE

BARGAINING STATUS AT CLOSURE?

❖ **ORGANIZATIONAL CAMPAIGN**



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 W Wisconsin Ave Ste 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlrb.gov
Telephone: (414)297-3861
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September 3, 2014

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JONES DAY
222 EAST 41ST STREET, 2ND FLOOR
NEW YORK, NY 10017-6702

Re: Nevada Corporation d/b/a McDonalds @
1220 N. 35th St. and McDonalds USA
LLC, as a single or joint employer
Case 18-CA-133382

Dear People,

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

MARLIN O. OSTHUS
Regional Director

By: /s/ Benjamin Mandelman

BENJAMIN MANDELMAN
Officer in Charge

Nevada Corporation d/b/a McDonalds @
1220 N. 35th St. and McDonalds USA LLC,
as a single or joint employer
Case 18-CA-133382

- 2 -

September 3, 2014

cc: MILWAUKEE WORKERS
ORGANIZING COMMITTEE
1862 WEST FOND DU LAC AVENUE
MILWAUKEE, WI 53205

(b) (6), (b) (7)(C)
NEVADA CORPORATION D/B/A
MCDONALDS @ 1220 N. 35TH
STREET AND MCDONALDS USA
LLC, AS A SINGLE OR JOINT
EMPLOYER
5001 WEST MILL ROAD
MILWAUKEE, WI 53218

MCDONALD'S CORPORATION ONE
MCDONALD'S PLAZA OAK BROOK,
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60523-1911